

# Notice of Allowability

Application No.

10/820,389

Examiner

Travis M. Reis

Applicant(s)

BARR, KEITH E.

Art Unit

2859

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/4/6 and telephonic interview with Ms. Lee on 12/13/6.
2. ☒ The allowed claim(s) is/are 1-4, 6, 8-12, 16-22 and 24-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Lee on 12/13/6 & 1/3/7.

The application has been amended as follows:

In claim 1, line 5, before "are" the following text has been inserted ---of said plurality of electrodes---

In claim 6, line 1, "5" has been replaced with the following text ---1---

In claim 8, line 1, "7" has been replaced with the following text ---1---

In claim 16, line 1, "15" has been replaced with the following text ---11---

In claim 17, line 1, "15" has been replaced with the following text ---11---

2. The following is an examiner's statement of reasons for allowance:

With reference to claims 1-4, 6, 8-10, the prior art of record does not disclose or clearly suggest an inclination measurement and display device comprising a conductive chamber comprising an annular chamber having an inner wall and an outer wall, wherein each of a plurality of electrodes is provided approximately equidistantly from the inner wall and the outer wall of the annular chamber, in combination with the remaining limitations in the claims.

With reference to claims 11, 12, 16-20, applicants arguments are persuasive, and the prior art of record does not disclose or clearly suggest an inclination measurement and display device comprising an inclination sensor being configured to measure an inclination along a first axis and along a second axis, a conductive housing defining an annular chamber having an

inner wall and an outer wall, a plurality of electrodes provided in the chamber, and a dielectric fluid provided in the chamber, in combination with the remaining limitations in the claims.

With reference to claims 21 & 22, the prior art of record does not disclose or clearly suggest a method of measuring inclination, comprising measuring an electrical characteristic of the fluid contained in a chamber in three non-parallel directions, in combination with the remaining limitations in the claims.

With reference to claims 24-27, applicants arguments are persuasive , and the prior art of record does not disclose or clearly suggest a method of measuring inclination, comprising at least three electrodes partially immersed in the fluid, and an annular chamber having an inner wall and an outer wall, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Travis M Reis  
Examiner  
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tmr  
December 14, 2006



~~Diego Gutierrez~~  
~~Supervisory Patent Examiner~~  
~~Tech Center 2800~~

RICHARD SMITH  
PRIMARY EXAMINER

RICHARD SMITH  
PRIMARY EXAMINER